

**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Pinyen LIN et al.

Group Art Unit: 2629

Application No.: 09/683,547

Examiner: S. KUMAR

Filed: January 16, 2002

Docket No.: 109128

For: SPACER LAYER FOR ELECTROPHORETIC DISPLAY DEVICE

**REQUEST FOR RECONSIDERATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the April 19, 2006 Office Action, reconsideration of the rejections is respectfully requested in light of the following remarks.

Claims 1, 2, 4-9 and 11-27 are pending herein.

**I. Rejection Under 35 U.S.C. §102(e)**

Claims 1, 2, 4-6, 9, 11 and 18-23 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,930,818 (Liang). This rejection is respectfully traversed.

First, Liang was not filed in the U.S. Patent and Trademark Office until March 3, 2000. As evidenced in the Rule 131 Declaration attached to this Request for Reconsideration, the presently claimed subject matter was invented by the present inventors in the United States prior to March 3, 2000. In view of the Rule 131 Declaration and the evidence therein, Liang is disqualified as prior art against the present claims.

Accordingly, Applicants respectfully request reconsideration of the rejection relying upon Liang.

For completeness, Applicants also point out that among other differences between Liang and the present claims, and contrary to the assertions in the Office Action, Liang nowhere teaches or suggests a spacer layer that is (a) a screen comprised of fibers in which holes within the screen define the individual reservoirs, (b) a laser punched spacer layer comprised of a laser ablatable material in a form of a sheet having holes laser punched therein and in which the laser punched holes define the individual reservoirs, or (c) a composite etched layer comprised of a composite of two photoresist layers each comprised of a photoresist material sandwiching a conductive film and in which holes etched through the composite define the individual reservoirs as recited in present claim 6.

For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of this rejection.

## **II. Rejections Under 35 U.S.C. §103(a)**

Claims 7 and 8 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Liang in view of U.S. Patent No. 5,276,438 (DiSanto).

Claim 24 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Liang in view of U.S. Patent No. 6,819,316 (Schulz).

Claim 25 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Liang in view of U.S. Patent No. 4,640,583 (Hosikawa).

Each of these rejections is respectfully traversed.

First, as discussed above, Liang is not prior art against the present claims. Each of the rejections relies upon Liang as a primary reference. Accordingly, each of the rejections under 35 U.S.C. §103(a) is now moot.

Second, regarding DiSanto, this reference does not teach or suggest a spacer comprising a screen of fibers. The screen in DiSanto is not a spacer that defines individual reservoirs, but is instead a screen/mesh that assists in hiding colored particles not being displayed. The colored particles are free to move anywhere within the cell containing the mesh, and in fact the mesh assists in the movement of the particles from one side of the mesh to the other. See the Abstract. Moreover, the mesh is described to be comprised of perforated stainless steel (column 5, lines 40-43), not fibers as in the present claims. DiSanto alone thus clearly fails to teach or suggest the screen spacer embodiment of the present claims.

Third, regarding Schulz, this reference is also disqualified as prior art against the present claims.

For the foregoing reasons, Applicants respectfully submit that the present claims are patentable over the cited art, and reconsideration and withdrawal of the rejections are respectfully requested.

**III. Allowable Subject Matter**

Applicants note with appreciation the indication of allowability of claims 12-17, 26 and 27. In view of the foregoing, it is respectfully submitted that all of the pending claims are now in condition for allowance.

**IV. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 2, 4-9 and 11-27 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: May 26, 2006

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